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13 The FRS Company

14 UNITED STATES DISTRICT COURT  
15 NORTHERN DISTRICT OF CALIFORNIA

16 LAWRENCE BRANDON, on behalf of  
17 himself and all others similarly situated,

18 Plaintiff,

19 v.

20 The FRS Company, d/b/a The FRS  
21 Healthy Energy Company,

22 Defendant.

23 Case No. 3:11-cv-06639-RS

24 The Hon. Richard Seeborg

25 **STIPULATION AND [PROPOSED]  
26 ORDER TO FURTHER EXTEND  
27 STAY PENDING SETTLEMENT  
28 DISCUSSIONS AND INFORMAL  
DISCOVERY, AND TO CONTINUE  
CASE MANAGEMENT  
CONFERENCE**

29 [No Hearing Required]

30 Complaint Filed: December 23, 2011  
31 Trial Date: None Set

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## **STIPULATION**

WHEREAS plaintiff Lawrence Brandon and defendant The FRS Company ("FRS") seek to further extend the stay of this case, for an additional forty-five (45) days, to continue pursuing settlement discussions and exchange limited informal discovery in furtherance of those discussions;

WHEREAS the only time modifications in this case to date are: (1) the Clerk's notice rescheduling the Case Management Conference from April 5, 2012 to April 12, 2012, after reassignment to Judge Seeborg (Dkt # 7); (2) the parties' stipulation to extend time for FRS to respond to the complaint, to February 24, 2012 (Dkt #8); (3) the parties' stipulation to extend the briefing schedule for FRS's Motion to Strike Portions of Complaint ("Motion"), such that plaintiff's opposition would be due March 16, 2012 and FRS's reply would be due March 29, 2012 (Dkt #12); (4) the parties' stipulation and Court's Order to stay the case for sixty (60) days, up to and including May 21, 2012, which, among other things, continued the Case Management Conference from April 12, 2012 to June 21, 2012 (Dkt #18); and (5) the parties' stipulation and Court's Order to extend the stay of the case for seventy-five (75) days, up to and including August 6, 2012, which, among other things, continued the Case Management Conference from June 21, 2012 to September 6, 2012 (Dkt #20);

19               WHEREAS a stay of the case for an additional forty-five (45) days would  
20 only affect the schedule of the case by (1) staying the case up to and including September  
21 20, 2012; (2) lifting the stay on September 21, 2012; (3) extending the deadline for FRS to  
22 file its reply in support of the Motion from August 20, 2012 to October 4, 2012, thirteen  
23 days after the stay is lifted; (4) continuing the hearing on the Motion from September 6,  
24 2012 to October 25, 2012, or a subsequent date convenient to the Court; (5) continuing the  
25 Case Management Conference from September 6, 2012 to October 25, 2012, or a  
26 subsequent date convenient to the Court; and (6) extending the deadline for the parties to  
27 file their respective ADR Certifications to September 24, 2012, three days after the stay is  
28 lifted;

1 THEREFORE, pursuant to Local Rules 6-2, 7-12, and 16-2(e), and Judge  
2 Seeborg's Standing Order Re: Initial Case Management, the parties through their  
3 undersigned counsel stipulate, subject to the Court's approval, as follows:

4 (1) the case is stayed for an additional forty-five (45) days, up to and  
5 including September 20, 2012;

6 (2) the stay will be lifted on September 21, 2012;

7 (3) the deadline for FRS to file its reply in support of the Motion is  
8 extended to October 4, 2012;

9 (4) the hearing on the Motion is continued from September 6, 2012 at  
10 1:30 p.m. to October 25, 2012 at 1:30 p.m., or whatever subsequent date and time is  
11 convenient to the Court;

12 (5) the Case Management Conference is continued from September 6,  
13 1:30 p.m. to October 25, 2012 at ~~10:00 a.m.~~, or whatever subsequent date and  
14 time is convenient to the Court; and

15 (6) the deadline for the parties to file their respective ADR Certifications  
16 is extended to September 24, 2012.

17 Dated: August 7, 2012

18 FINKELSTEIN THOMPSON LLP

19  
20 By \_\_\_\_\_ */s/ Rosemary M. Rivas*  
ROSEMARY M. RIVAS  
Attorneys for Plaintiff  
21  
22 LAWRENCE BRANDON

23 Dated: August 7, 2012

24 SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

25  
26 By \_\_\_\_\_ */s/ Neil A.F. Popović*  
NEIL A.F. POPOVIĆ  
Attorneys for Defendant  
27  
28 THE FRS COMPANY

## CERTIFICATION

I, Neil A.F. Popović, am the ECF User whose identification and password are being used to file this STIPULATION AND [PROPOSED] ORDER TO FURTHER EXTEND STAY PENDING SETTLEMENT DISCUSSIONS AND INFORMAL DISCOVERY, AND TO CONTINUE CASE MANAGEMENT CONFERENCE.

Pursuant to General Order 45, section X.B, I attest that Rosemary M. Rivas has concurred in this filing.

Dated: August 7, 2012

## SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

By

/s/ Neil A.F. Popović

NEIL A.F. POPOVIĆ  
Attorneys for Defendant  
THE FRS COMPANY

1                   **[PROPOSED] ORDER**

2                   Having considered the Stipulation and [Proposed] Order to Further Extend  
3 Stay Pending Settlement Discussions and Informal Discovery; and to Continue Case  
4 Management Conference entered into by plaintiff Lawrence Brandon and defendant The  
5 FRS Company ("FRS"), and good cause appearing therefor,

6                   IT IS ORDERED THAT:

- 7                   (1)       the case is stayed for forty-five days, up to and including September  
8 20, 2012;
- 9                   (2)       the stay will be lifted on September 21, 2012;
- 10                  (3)       the deadline for FRS to file its reply in support of its Motion to Strike  
11 Portions of Complaint ("Motion") is extended to October 4, 2012;
- 12                  (4)       the hearing on the Motion is continued from September 6, 2012 at  
13 1:30 p.m. to October 25, 2012 at 1:30 p.m.;
- 14                  (5)       the Case Management Conference is continued from September 6,  
15 1:30 p.m. to October 25, 2012 at ~~10:00 a.m.~~; and
- 16                  (6)       the deadline for the parties to file their respective ADR Certifications  
17 is extended to September 24, 2012.

18                  PURSUANT TO STIPULATION, IT IS SO ORDERED.

19  
20 Dated: 8/7/12



21                  Honorable Richard Seeborg  
22                  United States District Judge